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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,053	07/05/2000	Sunny Behl	033129-009	4718

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EXAMINER
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CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2615

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DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/610,053

Applicant(s)

BEHL, SUNNY

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4,6,7,9,11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4,6,7,9,11 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

1. In view of the newly found reference, the allowance of claims 2, 4, 6, 7, 9, 11, and 13, is hereby withdrawn. Examiner regrets any inconvenience.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 4, 6, 7, 9, 11, and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Trane in view of Behl et al (P.N. 6,473,297).

Trane discloses a television recorder that shows all the limitations recited in claims 2, and 11, including the feature of the television recorder being connected to a television and television broadcast source for recording television programming (See Trane's page 1, second column, lines 13-18), the feature of the memory storage device bay (See Trane's Figure 1, component 14), the feature of the carrier removeably engages the rack to insert the carrier into the television recorder and to electronically couple the hard disk drive with the television recorder as specified in the present claims 2, and 11. (See Trane's Figure 1, components 14, 26, and 12).

Trane fails to specifically disclose the feature of the rack having lateral sides, the carrier having lateral sides that slidably mate with the lateral sides of the rack, at least one lateral rail of the carrier defines an opening, the carrier includes a fan mounted the one lateral rail to blow air through the opening of the carrier and cool the hard disk drive as specified in the present claims 2, and 11.

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Behl et al does disclose a memory storage device bay which includes such a feature of the rack having lateral sides, the carrier having lateral sides that slidably mate with the lateral sides of the rack, at least one lateral rail of the carrier defines an opening, the carrier includes a fan mounted the one lateral rail to blow air through the opening of the carrier and cool the hard disk drive as specified in the present claims 2, and 11. (See Behl et al's Figure 3).

It would have been obvious to one skilled in the art to modify the Trane's recording apparatus wherein the disk drive provided thereof would incorporate the feature of the rack having lateral sides, the carrier having lateral sides that slidably mate with the lateral sides of the rack, at least one lateral rail of the carrier defines an opening, the carrier includes a fan mounted the one lateral rail to blow air through the opening of the carrier and cool the hard disk drive in the same conventional manner as is shown by Behl et al's Figure 3. The motivation is to make sure that the disk drive is well ventilated as suggested by Behl et al.

With regard to claims 4, and 13, the feature of the carrier including a top cover, vent, the top cover covers a tray to enclose the hard disk drive, a face defining the vent to enable air to enter the carrier, and the carrier including a fan mounted on the face to blow air through the vent as specified in the present claim 4, would be present in the proposed combination of Trane and Behl et al indicated above.

(Applicant's attention is directed to Figure 3, components 50, and Figure 2, component 30, of Behl et al).

With regard to claim 7, the feature of the tray having a top cover with vents for bringing air into the carrier to cool the hard disk drive and the fan mounted on the first lateral side of the carrier as specified thereof is present in the proposed combination of Trane and Behl et al indicated above. (See Behl et al's Figure 3, component 50, and Figure 2, component 30).

With regard to claim 6, it is noted that the proposed combination of Trane et al's and Behl et al shows a television recording apparatus that shows substantially the same limitations recited in the present claim 6, including the feature of the hard disk drive mounted in the carrier. (See the above rejection of claim 1).

The proposed combination of Trane and Behl et al as indicated above fails to specifically disclose the feature of the fan mounted on the first lateral rail of the rack to blow air through the opening of the carrier as specified in the present claim 6.

Behl et al does disclose such a feature of the memory storage device bay including the feature of the fan mounted on the first lateral rail of the rack to blow air through the opening of the carrier as specified in the present claim 6. (See Behl et al's Figure 2, component 50).

It would have been obvious to one skilled in the art to modify the proposed combination of Trane and Behl et al indicated above wherein the disk drive provided thereof would incorporate the feature of the fan mounted on the first lateral rail of the rack to blow air through the opening of the carrier in the same conventional as shown by Behl et al's Figure 2, component 50. The motivation is to make sure that the disk drive is well ventilated as suggested by Behl et al.

With regard to claim 9, the feature of the face having fans for blowing air into the carrier, the carrier fans cooperate with the rack fan to cool the hard disk drive as specified thereof is present in the proposed combination of Trane and Behl et al indicated above in the rejection of claim 6. (See Behl et al's Figure 2-3, components 50).

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 2, 4, 6, 7, 9, 11, and 13, are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S.

Patent No. 6,473,297 in view of Trane.

It is noted that the Patented claims 1-9 of U.S. Patent No. 6,473,297 discloses a memory storage device bay that shows substantially the same limitations recited in claims 2, 4, 6, 7, 9, 11, and 13, of the present Application, including the feature of the lateral rail of the carrier defining an opening, the carrier including a fan mounted the one lateral rail to blow air through the opening of the carrier and cool the hard disk drive; the

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feature of the face defining the vent to enable air to enter the carrier and the carrier having a fan mounted on the face to blow air through the vent; the feature of the tray having a top cover with vents for bringing air into the carrier to cool the hard disk drive and the fan mounted on the first lateral rail of the rack to blow air through the opening of the carrier. (See the Patented claims 1-9 of U.S. Patent No. 6,473,297).

The Patented claims 1-9 of U.S. Patent No. 6,473,297 fails to specifically disclose the feature of the television recorder being connected to a television and television broadcast source for recording television programming and the feature of the television recorder having the memory storage device bay and the feature of the carrier removeably engages the rack to insert the carrier into the television recorder and to electronically couple the hard disk drive with the television recorder as specified in the present claims 2, 4, 6, 7, 9, 11, and 13, of the present Application.

Trane does disclose a television recorder that shows all such limitations indicated above, including the feature of the television recorder being connected to a television and television broadcast source for recording television programming (See Trane's page 1, second column, lines 13-18), the feature of television recorder having the memory storage device bay (See Trane's Figure 1, component 14), the feature of the carrier removeably engages the rack to insert the carrier into the television recorder and to electronically couple the hard disk drive with the television recorder as specified in the present claims 2, and 11. (See Trane's Figure 1, components 14, 26, and 12).

It would have been obvious to one skilled in the art to modify the Patented claims 1-9, wherein the memory storage device provided thereof would incorporate the

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capability of being connected to a television recorder for recording broadcasted television programming and to incorporate the feature of the carrier removeably engages the rack to insert the carrier into the television recorder and to electronically couple the hard disk drive with the television recorder in the same conventional manner as shown by Trane. The motivation is to be able to record broadcasted video signal in the memory storage device at any desired time as suggested by Trane.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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B. Chevalier  
May 26, 2004.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER